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Attorney Docket: 4306P

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NOV 19 2008

In Re Application of:

Date: November 19, 2008

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Jion CHEN et al.

Confirmation No: 8836

NOV 26 2008

Serial No: 09/513,396

Group Art Unit: 2881

OFFICE OF PETITIONS

Filed: February 25, 2000

Examiner: Paul M. GURZO

Title: APPARATUS AND METHOD FOR REDUCING ENERGY  
CONTAMINATION OF LOW ENERGY ION BEAMSMail Stop PETITION  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450RENEWED PETITION TO ACCEPT UNINTENTIONALLY DELAYED  
PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT UNDER 37  
CFR 1.378(c)

With respect to the present application identified above, Applicant respectfully submits this renewed petition under 37 CFR 1.378(c) for acceptance of a delayed payment of: (1) maintenance fee balance of \$335.00 and (2) the renewed petition fee of \$400.00.

Copies of Previous Petition to Accept Unintentionally Delayed Payment Of Maintenance Fee In An Expired Patent Under 37 Cfr 1.378(C) fax-filed on April 18, 2008 and Decision on Petition mailed November 12, 2008 are attached herewith.

A Credit Card Payment Form PTO-2038, authorizing to charge \$735.00 of the maintenance fee balance and the renewed petition fee, is attached herewith as well.

Should any unresolved issues remain, please feel free to call the undersigned at the telephone number indicated below.

11/25/2008 DALLEN 00000110 6710358

01 FC:1559  
02 FC:1462335.00 0P  
400.00 0P

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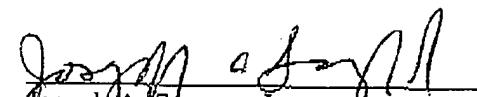
PAGE 2/9 \* RCVD AT 11/19/2008 7:51:55 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-6/5 \* DNI:2738300 \* CSID:16504934549 \* DURATION (mm:ss):01:34

Attorney Docket: 4306P

Respectfully submitted,

November 19, 2008

Dated



Joseph A. Sawyer, Jr.

Sawyer Law Group LLP

Attorney for Applicant

Reg. No. 30,801

(650) 493-4540 telephone

(650) 493-4549 fax



## UNITED STATES PATENT AND TRADEMARK OFFICE

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SAWYER LAW GROUP LLP  
2465 E. BAYSHORE ROAD, SUITE NO. 406  
PALO ALTO, CA 94303

SAWYER LAW GROUP LLP

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SAWYER LAW GROUP, LLP

In re Patent No. 6,710,358  
Issue Date: March 23, 2004  
Application No. 09/513,396  
Filed: February 25, 2000  
Attorney Docket No. 4306P

This is a decision on the petition under 37 CFR 1.378(c), filed April 18, 2008, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks item (2) above.

With respect to item 2: The maintenance fee of \$465 is acknowledged as being received in the U.S. Patent and Trademark Office on April 18, 2008, however, this fee is insufficient because petitioner is no longer claiming small entity status. As of October 2, 2008, the current three and one half year maintenance fee is \$980. To satisfy the requirement of 37 CFR 1.378(c) the petitioner must submit (1) the maintenance fee balance of \$335; and (2) the renewed petition fee of \$400. A renewed petition cannot be considered until the outstanding balance of \$735 is paid.

Any petition for reconsideration of this decision must be accompanied by the **petition fee of \$400** as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted above, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within **TWO (2) MONTHS** from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a

U.S. Patent No. 6,710,358

Page 2

inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that the delay in paying the maintenance fee under 37 CFR 1.378(c) was intentional, petitioner must notify the Office.

Further correspondence with respect to this matter should be addressed as follows:

By Mail: Mail Stop PETITION  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

By hand: U. S. Patent and Trademark Office  
Customer Service Window, Mail Stop Petitions  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to Diane Goodwyn at 571-272-6735.



Thurman Page  
Petitions Examiner  
Office of Petitions

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SAWYER LAW GROUP LLP Fax:1-650-493-4549  
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Nov 19 2008 04:53pm P008/011

04/18/2008 17:08 FAX

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APR 18 2008

**FACSIMILE TRANSMITTAL  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant:** Jiong CHEN **Group Art Unit:** 2881  
**Application No.:** 09/513,396 **Examiner:** Paul M. GURZO  
**Filed:** February 25, 2000

**Attorney Docket No.:** 4306P

**Title:** APPARATUS AND METHOD FOR REDUCING ENERGY  
CONTAMINATION OF LOW ENERGY ION BEAMS

**Date:** April 18, 2008

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MAY 05 2008

**To:** United States Patent and Trademark Office  
MAIL STOP PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

**OFFICE OF PETITIONS**

**From:** Joseph A. Sawyer, Reg. No. 30,801

**Fax Number:** (571) 273-8300  
**Phone Number:** (571) 271-4000

**Attached:**

- This Facsimile Cover Sheet
- Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent
- Credit Card Payment Form PTO-2038 - \$2,105.00 Authorization

**Customer Number 29141**

(650) 493-4540 Telephone  
(650) 493-4549 Facsimile  
sawyer@sawyerlawgroup.com

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office at (571) 273-8300, on April 18, 2008.

  
Shana Haack

09/18/2008 17:08 FAX

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PTO/SB/08 (10-05)

Approved for use through 04/30/2009. OMB 0651-0018  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCEPETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF  
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))Docket Number (Optional)  
4306PMail to: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Fax: (571) 273-8300

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NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

Patent No. 6,710,358 Application Number 09/513,396

Issue Date 03-23-2004 Filing Date 02-25-2000

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent number (or reissue patent number, if a reissue) and (2) the application number of the actual U.S. application (or reissue application) leading to issuance of that patent to ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.368(c) and (d).

Also complete the following information, if applicable

The above - Identified patent:

is a reissue of original Patent No. \_\_\_\_\_, original issue date \_\_\_\_\_, original application number \_\_\_\_\_, original filing date \_\_\_\_\_.

resulted from the entry into the U.S. under 35 U.S.C. 371 of international application \_\_\_\_\_ filed on \_\_\_\_\_.

## CERTIFICATE OF MAILING (37 CFR 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Date

Signature

Typed or printed name of person signing Certificate

04/29/2008 SSANDARA 00000005 6710358

01 FEB 1359

2105 00 00

[Page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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www.FormsWorldwide.com

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PTO/SB/68 (10-05)

Approved for use through 04/30/2009. OMB 0651-0018  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## 7. OVERPAYMENT

As to any overpayment made please

Credit to Deposit Account No. \_\_\_\_\_  
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 Send refund check.

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## WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

## 8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE  
ACCEPTED AND THE PATENT REINSTATED.

Signature(s) of Petitioner(s)

April 18, 2008

Date

Joseph A. Sawyer, Jr.

Typed or printed name(s)

30,801.

Registration Number, if applicable

(650) 493-4540

Telephone Number

2465 E. Bayshore Road, Suite 406

Address

Palo Alto, CA 94303

Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the petitioner, the assignee, or other party in interest."

## ENCLOSURES:

Maintenance Fee payment  
 Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)  
 \_\_\_\_\_

(Page 3 of 3)

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U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 1. SMALL ENTITY

 Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

## 2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

 Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

## 3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

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NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 1/2 yr fee	(1551)	<input checked="" type="checkbox"/> \$ 465.00	3 1/2 yr fee	(2551)
<input type="checkbox"/> \$ _____	7 1/2 yr fee	(1552)	<input type="checkbox"/> \$ _____	7 1/2 yr fee	(2552)
<input type="checkbox"/> \$ _____	11 1/2 yr fee	(1553)	<input type="checkbox"/> \$ _____	11 1/2 yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 465.00

## 4. SURCHARGE

The surcharge required by 37 CFR 1.20(f)(2) of \$ 1,640.00 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

SURCHARGE BEING SUBMITTED \$ 1,640.00

## 5. MANNER OF PAYMENT

 Enclosed is a check for the sum of \$ \_\_\_\_\_. Please charge Deposit Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_. A duplicate copy of this authorization is attached. Payment by credit card. Form PTO-2038 is attached.

## 6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

 The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. 02-2120. A duplicate copy of this authorization is attached.

(Page 2 of 3)

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**FACSIMILE TRANSMITTAL  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**Applicant:** Jion CHEN et al. **Group Art Unit:** RECEIVED  
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2881 NOV 19 2008  
**Application No.:** 09/513,396 **Examiner:** Paul M. GURZO  
**Filed:** February 25, 2000  
**Attorney Docket No.:** 4306P RECEIVED  
**Title:** APPARATUS AND METHOD FOR REDUCING ENERGY NOV 26 2008  
**Date:** November 19, 2008 OFFICE OF PETITIONS  
**To:** United States Patent and Trademark Office  
 MAIL STOP PETITION  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313  
**From:** Joseph A. Sawyer, Reg. No. 30,801  
**Fax Number:** (571) 273-8300  
**Phone Number:** (571) 272-6735  
**Attached:**

- This Facsimile Cover Sheet
- Renewed Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent
- Copy of Decision on Petition
- Copy of Petition to Accept Unintentionally Delayed Payment of Maintenance Fee in an Expired Patent faxed April 18, 2008
- Credit Card Payment Form PTO-2038

**Customer Number 29141**

(650) 493-4540 Telephone  
 (650) 493-4549 Facsimile  
 patent@sawyerlawgroup.com

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Dilora Haddad

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